

by the Asylum Officer shall comprise the record.

(g) An applicant unable to proceed with the interview in English must provide, at no expense to the INS, a competent interpreter fluent in both English and the applicant's native language. The interpreter must be at least 18 years of age. Neither the applicant's attorney or representative of record nor a witness testifying on the applicant's behalf may serve as the applicant's interpreter. Failure without good cause to comply with this paragraph may be considered a failure without good cause to appear for the interview for purposes of § 208.10.

[55 FR 30680, July 27, 1990, as amended at 59 FR 62299, Dec. 5, 1994]

§ 208.10 Failure to appear.

The failure without good cause of an applicant to appear for a scheduled interview under § 208.9(a) may be deemed to constitute a waiver of the right to an interview with an asylum officer or, in the case of an alien crewman, stowaway, alien temporarily excludable under section 235(c) of the Act, 8 U.S.C. 1225, or alien currently in lawful immigration status, may be deemed to constitute an abandonment of the application. Failure to appear shall be excused if the notice of the interview was not mailed to the applicant's current address and such address had been provided to the Office of Refugees, Asylum, and Parole by the applicant prior to the date of mailing in accordance with section 265 of the Act and regulations promulgated thereunder, unless the asylum officer determines that the applicant received reasonable notice of the interview. Such failure to appear may be excused for other serious reasons in the discretion of the asylum officer.

[55 FR 30680, July 27, 1990, as amended at 59 FR 62300, Dec. 5, 1994]

§ 208.11 Comments from the Department of State.

(a) At its option, the Department of State may provide detailed country conditions information addressing the specific conditions relevant to eligibility for refugee status according to the grounds specified in section

101(a)(42) of the Act, 8 U.S.C. 1101(a)(42). Any such information relied upon by an immigration judge in deciding a claim for asylum or withholding of deportation shall be made part of the record and the parties shall be provided an opportunity to review and respond to such information prior to the issuance of a decision.

(b) At its option, the Department of State also may comment on an application it receives pursuant to § 208.4(a), § 236.3, or § 242.17 of this chapter by providing:

(1) An assessment of the accuracy of the applicant's assertions about conditions in his or her country of nationality or habitual residence and his or her particular situation;

(2) Information about whether persons who are similarly situated to the applicant are persecuted in his or her country of nationality or habitual residence and the frequency of such persecution;

(3) Such other information as it deems relevant.

(c) Asylum officers and immigration judges may request specific comments from the Department of State regarding individual cases or types of claims under consideration, or such other information as they deem appropriate. Any such comments shall be made part of the record. Unless the comments are classified under Executive Order 12356 (3 CFR, 1982 Comp., p. 166), the applicant shall be provided an opportunity to review and respond to such comments prior to the issuance of an adverse decision.

[59 FR 62300, Dec. 5, 1994]

§ 208.12 Reliance on information compiled by other sources.

(a) In deciding applications for asylum or withholding of deportation, the asylum officer may rely on material provided by the Department of State, the Office of Refugees, Asylum, and Parole, the district director having jurisdiction over the place of the applicant's residence or the port of entry from which the applicant seeks admission to the United States, or other credible sources, such as international organizations, private voluntary agencies, or academic institutions.